

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, June 26, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Greg Verga; Councilor Robert Whynott

**Participating Remotely:** Councilor Bruce Tobey (from approximately 7:06 p.m. to 8:00 p.m. via cell phone call)

**Absent:** None

**Also Present:** Mayor Carolyn Kirk; Linda T. Lowe; Kenny Costa; Jim Duggan; Chief designate, Eric L. Smith; John Blanchard; Suzanne Egan

**The meeting was called to order at 7:07 p.m.**

**Flag Salute & Moment of Silence.**

**Oral Communications:**

**Marlene Hodgkins, 550 Essex Avenue** expressed concern for the handicap access at City Hall as well as with the safety and security at that same Dale Avenue entrance. She told of encountering a homeless man asleep at that doorway upon exiting the building after the last City Council meeting. While she also expressed compassion for the homeless, she said she was worried about the security for handicapped persons entering and exiting the building and asked this security and safety issue be addressed.

**Confirmation of New Appointment: Fire Chief – Eric Smith**

**MOTION:** On motion by Councilor Whynott, seconded by Councilor LeBlanc, Ordinances & Administration Committee voted 0 in favor, 3 opposed the Ordinances & Administration Committee recommends to the City Council that Eric L. Smith, Westland, MI be appointed permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(a) and City Charter Sections 3-3 and 2-10.

**DISCUSSION:**

**Councilor Theken** stated in all O&A meetings many questions and clarifications are asked of candidates for confirmation to the City's boards, committees and commissions, as those being appointed to City staff positions as undertaken at last evening's joint O&A and B&F meeting regarding the appointment of a new Fire Chief. While last evening was not a public hearing, in this case she accommodated a broader participation beyond the joint Committees due to the subject matter, and thanked all those who participated. Deputy Chief Smith attended accompanied by his family; the Mayor, Fire Chief Search Committee members, City firefighters and members of the public, as well as City staff. It was a meeting that saw many issues "hashed out." Everyone expressed the belief that the candidate presented is a fine one; but the overriding issue was with the flawed language of the City ordinance. She thanked Deputy Chief Smith for his time and patience last evening and welcomed him to Gloucester.

**Councilor Tobey**, participating remotely, stated he will be voting with "enthusiasm and pride" for Eric Smith, stating he is a product of a good process that must be made better for future searches; and was a process that yielded excellent results. He saw and heard at last evening's meeting a man whom he had only met for the first time yesterday who demonstrated leadership skills, substantive knowledge and "the guts to weather out a tough situation." There are those who are resisting change, and that change is never easy. But doing the same thing over and over will not yield change or make things better. This is why the majority of voters of Gloucester voted to affect a change for a new mode of selection for a Fire Chief. Those who have tried to stop this would undo that choice. The piece that was set upon was language on qualifications, three years as a Deputy Chief. As a lawyer for 34 years, the Councilor stated his understanding one does not interpret the law so that it will to astray, "hit a wall and be destroyed". Rather, it is interpreted in the totality of the circumstances so that it has effect. Given that this ordinance was enacted to look not only within the City's Fire Department for a possible new Chief, but beyond, it is

a reasonable conclusion, he said, and a solid exercise to compare the City's "yardstick" description of a Deputy Fire Chief with the hierarchies of other departments around the country. He expressed his opinion the consultants, MRI, did that very well. He also expressed regret that some would belittle that company who has done a good job for the City in this "exercise". Many questions were asked last night, and MRI did answer them for those who chose to engage them. They have a leader who is qualified as to the ordinance, as well as by temperament, leadership style and "substantive" experience. Eric Smith will be a leader for change so the City can break out of the archetype as to how they have always provided fire service with good men and women working hard to do that. They will find new ways to get the job done better so that all the City's miles have fire service access. He expressed his anticipation that they will see an end to the constant fights about minimum manning and staffing of outlying stations. He reiterated changes must occur; and hoped that change would also present opportunities to examine and alter the leadership model of the department, engaging the findings not yet undertaken from the public safety audit done several years ago by a previous Council. That would include the creation of a new position of Assistant Chief which would be between the Deputy Chiefs and the Chief. This would allow for more leadership, more administrative support, and a breeding ground possibly for a new future chief. He anticipated much good would come out of this and looked forward to "can do" people embracing this change and this leader to make it work.

**Councilor McGeary** stated there were four questions to be answered when considering the appointment of Eric Smith to be the Chief of the Gloucester Fire Department:

1. Does the candidate have to hold the literal title of Deputy Chief for a minimum of three years in order to be appointed Gloucester's Fire Chief? The Councilor explained that the law is susceptible of this interpretation, that to insist on a literal reading of the ordinance, "is silly." There are many departments in which the second in command doesn't hold the literal title of Deputy Chief; where the Chief of the department is called a Marshal, for example, and his or her deputy is a Chief. Would a person holding that rank not qualify under Gloucester's ordinance, and stated, "of course not."
2. Is the rank of Battalion Chief in Westland equal to Deputy Chief in Gloucester? MRI in its initial memo pointed out that Gloucester's Deputy Chief and Westland's Battalion Chief are both described by the National Fire Protection Association as Fire Officer Certification Level 2 positions, which the Councilor expressed his understanding that it shows both positions are equivalent. Most importantly, he pointed out, the City's appointed Selection Committee believed that they were as well.
3. Does experience as an Acting Battalion Chief qualify as requisite experience under the ordinance? MRI noted that Westland rules and regulations state that any the acting officer shall have the authority and responsibility as if the position were permanent. Therefore a Captain that is serving in the role of Acting Battalion Chief is expected to perform all duties and responsibilities of the position. He further expressed the belief; that Chief Smith's time as Acting Battalion Chief should be counted towards the requisite three years experience as Deputy Chief.
4. Assuming Chief Smith's time as Acting Battalion Chief, Battalion Chief and Deputy Chief are, as he expressed previously, are equivalent to Deputy Chief for purposes of the ordinance, does Chief Smith have the requisite three years of total experience among the positions? The Councilor explained he did the math and stated the answer is, "yes": 49 weeks as an Acting Battalion Chief; 77 weeks as Battalion Chief and 39 weeks as a Deputy Chief in Westland. That totals 165 weeks or about 3.2 years.

**Councilor McGeary** continued that beyond the technical qualifications, this process has yielded not just a suitable candidate, but an "exemplary" candidate that they can be proud of and should pull together and help as he, "takes over the reins of the department." The Councilor thanked the Search Committee for their hard work and Chief Smith's forbearance as well as his family; and would "enthusiastically" support his appointment as Fire Chief of the City of Gloucester.

**Councilor Ciolino** agreed with the statements by Councilors McGeary and Tobey. He added his thanks to the Search Committee who had over 30 meetings doing a thorough job for the City. The Councilors rely on committees to give them their recommendations. This was a difficult process and the Search Committee did a great job. He will also support the appointment of Chief Smith.

**Councilor LeBlanc** stated last evening there was a misunderstanding regarding his vote related to Chief Smith's appointment as the City's next permanent Fire Chief. Before he realized his vote was recorded improperly the O&A portion of the joint meeting had adjourned. Fortunately, he now has an opportunity to rectify the error by voting yes and will do so because after listening to the remarks of the Search Committee and MRI, he concluded that Chief Smith is the best candidate for the position. For this and reasons others had mentioned previously, he would be voting yes this evening. He expressed he looked forward to welcoming the Chief and his family to Gloucester.

**Council President Hardy** stated she was a member of the Fire Chief Search Committee. Under MGL Chapter 268A, to avoid the appearance of an impropriety, she announced that her brother, Michael McCarthy is a proud

firefighter for the City since 1986. Any time money comes into the issue before the Council for this department she would recuse herself from the vote. This particular vote does not affect her brother monetarily as he is not on any promotion list, and has too many ranks above him to be affected by her vote this evening and so will vote on the new Fire Chief appointment. She also knew first-hand the amount of work that went into the process by the Search Committee and commended their efforts. They brought the ordinance to every meeting; and while not necessarily agreeing with the ordinance, they did recommend changes to it. To that end, she will be filing two Council Orders to appear on the next City Council agenda for referral to the O&A Committee for a recommendation to review and amend the ordinances for Fire Chief and Police Chief. She invited the Councilors to sign onto those orders if they wish. For many reasons stated here this evening, and at last evening's meeting which she noted was not easy. Many statements made in the heat of the moment and had no reflection on the Smith family. She urged the City Council to not lose sight of the fact that once they begin to second guess volunteer committees whom they rely upon, they will find it difficult to populate those committees with citizens willing to dedicate their time to the City. She then announced her intent to vote affirmatively for the appointment of Eric Smith as Gloucester's new permanent Fire Chief.

**Councilor Cox** added her agreement to the statement that Chief Smith is a good product from a flawed process. She thanked the Search Committee of their hard work. She had read the consultant's memoranda and made a personal phone call to MRI to further ask them about the search process. Her major concern throughout the process was that in the beginning some people didn't wish to be considered because they read the ordinance to mean three straight years of experience. She was assured there were numerous applications that did not meet the qualifications of three years. But they did feel that the finalist for the position had the majority of the qualifications and with that timeframe of the search, they would have made that experience benchmark. She stated that a yes vote doesn't mean that she agrees to a previous statement that the Fire Department is flawed and in need of help and is why they went outside of the department, and expressed she could not disagree with that statement more. She also expressed her gratitude to the members of the Fire Department who welcomed her since taking office, sharing ideas and comments with her, and hoped that would not change. Conversely, a 'no' vote does not mean that the Search Committee did a poor job or that their input is not valued, but also didn't wish to reward anyone for a judgment that has been pushed through. She stated she will be voting for the appointment of Eric Smith because she believed they did get a good product out of the search process.

**Councilor Verga** expressed that his vote is symbolic at this juncture. He was not convinced by the process because there are too many questions on it. His no vote is to express the important point that there are flaws in the process, and there may be clouds on this. With due respect to the Search Committee, and to the Mayor, he stated, this [legislative] body, "is not a rubber stamp for anybody." They listen to the recommendations and then make the judgments with their heart and conscience. While welcoming Chief Smith, he would vote no to his appointment.

**Councilor Whynott** expressed he made no secret to wanting a local person for this position, believing that people who live, work, pay taxes, raise their children here, putting them through the school system, deserve "special consideration." As long as there is a qualified candidate in-house, they should look no further. People who work all their lives in a department deserve to have a career path that is not cut off. He acknowledged that there are qualified people that come from out of town, citing the example of the City's CFO, Jeff Towne. They may do a good job while they're here. But they don't, however, have roots in the City, and may leave when a job becomes available closer to their home. He noted he had read the ordinance a lot and tried to change it. He expressed the belief that the Search Committee did a great job, but did not think MRI did a good job; but expressed the opinion the City should not hire them again. This new interpretation of the ordinance leaves out a lot of people. While he thinks interpretation can be all right for some situations, "shall" leaves no wiggle room". He commended the City staff and the Search Committee, but that MRI did not provide unbiased answers and tried to make something fit that did not. He expressed willingness to move forward to change the ordinance and that he must vote no.

**Councilor Theken** expressed her agreement with Councilor Tobey that they should look into adding the position of Assistant Chief. When the City voted the position out of the Civil Service they didn't say they wanted to look outside of the City or the State. She urged the Search Committee not to be discouraged by the Council's deliberations and that it was not a poor reflection upon them if she should vote no. She spoke to several attorneys that "shall is shall. " That could have been defined differently if the ordinance had been drafted differently.

Councilor Tobey had said he wanted the ordinance to look like Somerville's ordinance. However, former Personnel Director, David Bain; and City Solicitor, Suzanne Egan warned the O&A Committee they would be constricted by that language at the time of the drafting of the ordinance. She was willing to take the blame, and will vote no because "shall" is "shall." A great person, she said, came through from this process; but the City has great people too. This Chief will have a great team. He will be a great commander, and they will expect great things. She would vote no which expressed had anything to do with the person.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 6 in favor, 3 (Theken, Verga, Whynott) opposed that Eric L. Smith, Westland, MI be appointed permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(a) and City Charter Sections 3-3 and 2-10.**

**Councilor Ciolino** proposed a motion to make the vote by the City Council on the appointment of Eric Smith permanent Gloucester Fire Chief a unanimous vote.

**Councilor Verga**, who seconded the motion, expressed the hope that a unanimous vote would “disperse the clouds” (around Chief Smith’s appointment).

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appoint Eric L. Smith permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(a) and City Charter Sections 3-3 and 2-10.**

*The City Council recessed at 7:40 p.m. and reconvened at 7:47 p.m.*

**MOTION: On motion by Councilor McGeary, seconded by Councilor Cox the City Council voted BY ROLL CALL VOTE 2 (Theken, Whynott) in favor, 7 opposed to RECONSIDER the vote to appoint Eric L. Smith permanent Fire Chief of the City of Gloucester.**

**MOTION FAILS FOR RECONSIDERATION.**

**Without objection the Council allowed the following to be pulled from the B&F Committee Report to close out the appointment of the new Fire Chief, Eric L. Smith.**

**MOTION: On motion by Councilor Tobey seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council that Eric L. Smith, Westland, MI be appointed permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(d).**

**DISCUSSION:**

**Councilor McGeary** explained that this is to ratify the agreed upon contract of Chief Smith for a salary of \$113,548.05 and is fully funded in the FY13 budget. **Councilor Ciolino** stated the Legal Department has gone over the contract and that is appropriate.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed that Eric L. Smith, Westland, MI be appointed permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(d).**

**Consent Agenda:**

• **MAYOR’S REPORT**

1. Memorandum from Harbormaster re: request to waive “Daily Use Fee” at Dun Fudgin Public Boat Ramp for two events in July & August (Refer B&F)
2. Communication from MassDevelopment re: approved grants for proposed redevelopment of 91 & 110 Commercial Street (Refer B&F)
3. Special Budgetary Transfer Request (#2012-SBT-90) from CFO (Refer B&F)
4. Special Budgetary Transfer Request (#2012-SBT-91) from CFO (Refer B&F)

• **COMMUNICATIONS/INVITATIONS**

1. Communication from Assistant DPW Director re: Pursuit Racing – Twin Lights Marathon After Action Report (File)
2. Communication from Senator Tarr’s Office re: Project Update – June 2012 re: Gloucester Route 128 over the Annisquam Bridge (File)

• **APPLICATIONS/PETITIONS**

1. Request & application for road closures to hold the Lone Gull 10K Road Race on September 16, 2012 (Refer P&D)
2. Request & application from Essex County Velo to hold Gloucester Grand Prix Cyclo Cross Race on September 29-30, 2012 (Refer P&D)
3. Request from Magnolia Historical Society for road closures to hold Magnolia Roadshow on August 25, 2012 (Refer P&D)
4. RZ2012-004: Prospect Street #76, Map 26, Lot 45 from R-5 (High Density) to NB (Neighborhood Business) (Refer PB & P&D)

- **COUNCILORS ORDERS**

1. CC2012-034 (Tobey) Request meeting w/Waterways Board re: discussion on plans for transient recreational boating facility Capacity (Refer Waterways Board)
  2. CC2012-035 (LeBlanc) Amend GCO Chapter 22, Sc. 22-270 "Parking Prohibited at all Times" re: intersection of Mansfield Street & Western Avenue (Refer TC & O&A)
  3. CC2012-036 (LeBlanc) Amend GCO Chapter 22, Sec. 22-274 "Two-hour parking between certain hours-Generally" re: Washington Streets (Refer TC & O&A)
  4. CC2012-037 (Verga) Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Ocean Avenue #2 (Refer TC & O&A)
  5. CC2012-038 (McGeary) Amend GCO Chapter 22, Sec. 22-218 "Deposit of coin required; overtime parking; exemption, Sec. 22-191 "Off Street parking fees established" and Sec. 22-288 "Off-Street parking areas" (Refer TC & O&A)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 06/12/12 (Approve/File)
  2. Special City Council Meeting: 06/19/12 (Approve/File)
  3. Standing Committee Meetings: B&F 06/21/12 (under separate cover), O&A 06/18/12, Joint O&A & B&F 06/25/12 (under Separate cover) Joint PB and P&D 05/03/12, Joint PB and P&D 06/07/12 (under separate cover), P&D 06/20/12 (Approve/File)

**Items to be added/deleted from the Consent Agenda:**

**Councilor Tobey** asked to remove under Council Orders Items #1 and #5.

**Councilor McGeary** asked to remove Items #1, #3 and #4 from the Mayor's Report.

**BY ROLL CALL VOTE THE CITY COUNCIL CONSENT AGENDA WAS UNANIMOUSLY ACCEPTED AS AMENDED.**

**Councilor Tobey** explained that Council Order #1 was filed because of concern within the community that the much publicized effort to expand the City's transient recreational dockage is held up at the Waterways Board. He expressed concern that by only referring it to the Waterways Board it blocks the intent which is to have them come before the Council on the matter. He stated they need to refer this matter to the Waterways Board with notice that the matter will be on the Council's agenda for discussion at a meeting no later than the end of August 2012. **BY UNANIMOUS CITY COUNCIL ROLL CALL VOTE** the matter for discussion was referred to the City Council Agenda for no later than the end of August 2012 with the Waterways Board. **Council President Hardy** stated she would set that date and advise the Council accordingly.

Regarding Council Order #5, **Councilor Tobey** stated this order would make the I4-C2 parcel a City parking lot. He knew they wished to see it move into a more productive use, which may take time. He expressed a concern that the City's "well established addiction" to parking revenues would tempt the City to leave it as a parking lot. He asked when this matter goes to O&A that the Committee give serious consideration to placing a one-year sunset clause on any proposed ordinance amendment so that it is not permanent in order to give them a chance to solve that problem in the short term. He also asked the Committee to consider using this revenue opportunity as the basis to try a six-month pilot program from November 1, 2012 for Main Street business parking to be free. That matter, he said, deserves an opportunity to be tried to give them a chance to solve two problems – take advantage of a revenue opportunity only for the short-term at I4-C2, and see if they can live without the money from Main Street parking to help the Main Street business district. He asked that this matter be referred to O&A Committee. **Council President Hardy** noted that this matter had already been referred to the O&A Committee and that the comments made by Councilor Tobey regarding CC2012-038 are on record for the Committee's consideration and review. **BY UNANIMOUS CITY COUNCIL ROLL CALL VOTE** the matter was referred to the O&A Committee. **Councilor Tobey** expressed his appreciation for the Council's patience with his telephonic remote participation and looked forward to being back with the Council at their next regularly scheduled meeting. He left the meeting at 8:00 p.m. (NOTE: Succeeding votes upon the Councilor's exit from the meeting do not have to be by roll call unless requested by a City Councilor).

**Councilor McGeary** stated that the matter of Item #1, the Harbormaster's request to waive the Daily Use Fee at Dun Fudgin Public Boat Ramp did not need to go forward to B&F as this was purely an administrative matter, and asked that it be withdrawn for referral to B&F. The matter was **WITHDRAWN WITHOUT COUNCIL OBJECTION**. Secondly, both Item #3, 2012-SBT-90 and Item #4, 2012-SBT-91 came forward to B&F last week through the City Auditor as these were year-end transfers which had needed to be accomplished with action by the Council before the end of the fiscal year. Therefore, they no longer in need referral as they will be handled through the B&F Committee report.

**Committee Reports:**

**Budget & Finance: June 21, 2012****Consent Agenda:**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept under MGL c. 44, Sec. 53A a grant from the Bruce J. Anderson Foundation for \$5,000 for support of restoring Gloucester City Hall's Works Progress Administration (WPA) murals.

**DISCUSSION:**

**Councilor McGeary** stated this was the second grant from the Bruce J. Anderson Foundation to facilitate restoration of the WPA murals in the main lobby of City Hall. The Committee endorsed this grant's acceptance unanimously.

**MOTION: On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent to accept under MGL c. 44, Sec. 53A a grant from the Bruce J. Anderson Foundation for \$5,000 for support of restoring Gloucester City Hall's Works Progress Administration (WPA) murals**

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council, in accordance with MGL c. 30B, to pay Invoice #439, dated 5/11/12 from Premier Imprints of Essex, Mass. for 60 coasters illustrating WPA Murals at a cost of \$165.00 without a purchase order.

**DISCUSSION:**

**Councilor McGeary** noted sometimes the downside of an enthusiastic volunteer force, sometimes they get ahead of themselves. A member of the Committee for the Arts went forward to obtain goods before a P.O. had been put in place. These coasters will be used for fundraising, and so the Councilor recommended the Council approve this expenditure.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent in accordance with MGL c. 30B, to pay Invoice #439, dated 5/11/12 from Premier Imprints of Essex, Mass. for 60 coasters illustrating WPA Murals at a cost of \$165.00 without a purchase order.**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept under MGL c. 44, Sec. 53A a grant from the Essex National Heritage Commission through the U.S. Department of the Interior for \$2,650 for the City of Gloucester's Visitor Center at Stage Fort Park.

**DISCUSSION:**

**Councilor McGeary** explained this grant is going through the Tourist Commission to the Stage Fort Park Welcome Center to fund familiarization tours for volunteers of the City and to underwrite the cost of a map of Stage Fort Park for visitors. The match is considered covered by the Welcome Center Coordinator's salary.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent to accept under MGL c. 44, Sec. 53A a grant from the Essex National Heritage Commission through the U.S. Department of the Interior for \$2,650 for the City of Gloucester's Visitor Center at Stage Fort Park.**

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept under MGL c. 44, Sec. 53A an Early Retiree Reinsurance program (ERRP) grant in the amount of \$81,811.88 (Eighty one thousand and eight hundred eleven

dollars and eighty eight cents) from the U.S. Department of Health & Human Services for reimbursement of a portion of the cost of health benefits for the City and employees/retirees and their spouses, surviving spouses and dependents.

**DISCUSSION:**

**Councilor McGeary** explained this helps to defray the cost of health insurance for City retirees and employees. Of the \$81,811.88, 75 percent will be used to pay the City's portion of the premium, and 25% will be the employees and retirees' portion of the premium. This, in essence, defrays that amount of money out of the City's insurance bill.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent to accept under MGL c. 44, Sec. 53A an Early Retiree Reinsurance program (ERRP) grant in the amount of \$81,811.88 (Eighty one thousand and eight hundred eleven dollars and eighty eight cents) from the U.S. Department of Health & Human Services for reimbursement of a portion of the cost of health benefits for the City and employees/retirees and their spouses, surviving spouses and dependents.**

**B&F CONSENT AGENDAS:**

**Councilor McGeary** explained that the following vote is for the supplemental appropriations #2012-SA-9, #2012-SA-10, #2012-SA-11, #2012-SA-13 and #2012-SA-14 with #2012-SA-12 having been voted upon at a previous time by the Council. Like with all consent agendas, any Councilor may ask to pull off an item for discussion. Votes for these financial matters are by roll call and require a two-thirds vote of the Council.

**MOTION:** The Budget & Finance Committee voted unanimously to recommend to the City Council to accept the Special Consent Agenda for FY12 Supplemental Appropriations dated 6/26/12 comprised of: #2012-SA-9, #2012-SA-10, #2012-SA-11, #2012-SA-13 and #2012-SA-14.

**DISCUSSION:** None.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent to accept the Budget & Finance Committee Special Consent Agenda for FY12 Supplemental Appropriations dated 6/26/12 comprised of: #2012-SA-9, #2012-SA-10, #2012-SA-11, #2012-SA-13 and #2012-SA-14.**

• ***SUPPLEMENTAL APPROPRIATIONS***

1. **On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SA-9) for \$2,500.00 from City Council, Office Supplies, Unifund Account #101000.10.111.54210.0000.00.000.00.054 to Capital Projects Stabilization Fund, Transfer In, Unifund Account #850000.10.991.49700.0000.00.000.00.040 to fund future capital needs of the City.**
2. **On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SA-10) for \$7,600.00 from City Council, Office Equip-Furnishings, Unifund Account #101000.10.111.58710.0000.00.000.00.058 to Capital Projects Stabilization Fund, Transfer In, Unifund Account #850000.10.991.49700.0000.00.000.00.040 to fund future capital needs of the City.**
3. **On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SA-11) for \$59,750.00 from Treasurer/Collector-Capital Equipment, Unifund Account #101000.10.145.58710.0000.00.000.00.058 to Capital Projects Stabilization Fund, Transfer In,**

**Unifund Account #850000.10.991.49700.0000.00.000.00.040 to place capital funds for the purchase of fire proof cabinets and for equipment for beach collections in order to provide additional timing to determine a solution.**

4. **On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SA-13) for \$1,399.24 from Treasurer/Collector-Self Insurance Auto, Unifund Account #101000.10.145.57460.0000.00.000.00.057 to RVL – Police Extra Detail, Transfer In, Unifund Account #293009.10.991.49700.0000.00.000.00.040 to cover 3 old Police Detail invoices from the previous DPW Administration.**
5. **On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SA-14) \$35,000 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Assessor Triennial Recertification Fund, Transfers In - from Special Revenue Fund, Unifund Account #294019.10.991.49700.0000.00.000.00.040 to fund one year of the tri-annual revaluation.**

**MOTION:** The Budget & Finance Committee voted unanimously to recommend to the City Council to accept the Budget & Finance Committee Special Consent Agenda for FY12 Special Budgetary Transfers dated 6/26/12 comprised of: #2012-SBT-37 through #2012-SBT-80 and #2012-SBT-82 through #2012-SA-91.

**DISCUSSION:**

**Councilor McGeary** noted for the Council that many of these special budgetary transfers contain COLA's (Cost of Living Adjustments). These have no bearing on the COLA and step raises which were frozen for FY13 for certain management positions. These are FY12 COLA's which were negotiated and are being retroactively funded. The freeze that was put in for FY13 remains in place.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted **BY ROLL CALL 8** in favor, 0 opposed, 1 (Tobey) to accept the Budget & Finance Committee Special Consent Agenda for FY12 Special Budgetary Transfers dated 6/26/12 comprised of: #2012-SBT-37 through #2012-SBT-80 and #2012-SBT-82 through #2012-SA-91.

- ***SPECIAL BUDGETARY TRANSFERS***

1. **On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-37) \$10,000.00 from Snow & Ice Overtime, Unifund Account #101000.10.423.51310.0000.00.000.00.051 to Public Services Overtime, Unifund Account #101000.10.470.51300.0000.00.000.00.051 to cover spring overtime needs.**
2. **On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-38) \$5,000 from Snow & Ice Contractors, Unifund Account #101000.10.423.52970.0000.00.000.00.052 to Central Services Parts & Accessories, Unifund Account #101000.10.499.54850.0000.00.000.00.054 to cover cost of vehicle parts and supplies through the end of FY12.**
3. **On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-39) \$2,000 from Snow & Ice Contractors, Unifund Account #101000.10.423.52970.0000.00.000.00.052 to Public Services Paving Materials, Unifund Account #101000.10.470.57750.0000.00.000.00.057 to cover purchasing of paving materials through the end of FY12.**
4. **On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-40) \$10,000**

- from Snow & Ice Contractors, Unifund Account #101000.10.423.52970.0000.00.000.00.052 to Public Services Supplies, Unifund Account #101000.10.470.54000.0000.00.000.00.054 to cover purchasing of materials through the end of FY12.
5. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-41) \$23,000 from Snow & Ice Contractors, Unifund Account #101000.10.423.52970.0000.00.000.00.052 to Public Services Contract Services, Unifund Account #101000.10.470.52000.0000.00.000.00.052 to cover various spring projects and needs.
  6. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-42) \$22,500 from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Veterans' Services-Other Benefits, Unifund Account #101000.10.543.57710.0000.00.000.00.057 to distribute funds to other Veterans' accounts by Veterans' Agent as needed to pay May 2012 and June 2012 benefits.
  7. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-43) \$5,000 from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Purchasing, Telephone Service, Unifund Account #101000.10.138.53410.0000.00.000.00.052 to restore the telephone services account depleted to fund excess advertising costs.
  8. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-44) \$15,000 from DPW Facilities-Electric Non-Street Power, Unifund Account #101000.10.472.52110.0000.00.000.00.052 to DPW Public Properties Maint.-Contractual Services, Unifund Account #101000.10.470.52000.0000.00.000.00.052 for contracting out various work for June 2012.
  9. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-45) \$15,000 from DPW Facilities-Electric Non-Street Power, Unifund Account #101000.10.472.52110.0000.00.000.00.052 to DPW Other-Contractual Services, Unifund Account #101000.10.499.52000.0000.00.000.00.052 for contracting out various work for June 2012.
  10. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-46) \$15,675.12 from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Mayor, Salary/Wage Perm Position, Unifund Account #101000.10.121.51100.0000.00.000.00.051 to fund wage and COLA increases.
  11. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-47) \$6,763.12 from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Auditor, Sal/Wage-Perm Position, Unifund Account #101000.10.135.51100.0000.00.000.00.051 to fund wage and COLA increases.
  12. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-48) \$5,114.63 from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Purchasing, Sal/Wage-Perm Position, Unifund Account #10100.10.138.51100.0000.00.000.00.051 to fund wage and COLA increases.
  13. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-49) \$4,918.05

- from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Assessors, Sal/Wage-Perm Position, Unifund Account #10100.10.141.51100.0000.00.000.00.051 to fund wage and COLA increases.
14. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-50) \$566.32 from Treas/Collector, Debt-Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Registration, Sal/Wage Perm Position, Unifund Account #101000.10.163.51100.0000.00.000.00.051 to fund COLA increases.
  15. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-51) \$12,271.77 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to City Legal, Sal/Wage-Perm Position, Unifund Account #101000.10.151.51100.0000.00.000.00.051 to fund wage and COLA increases.
  16. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-52) \$10,379.89 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Personnel, Sal/Wage-Perm Position, Unifund Account #10100.10.152.51100.0000.00.000.00.051 to fund wage and COLA increases.
  17. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-53) \$6,960.59 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to City Clerk, Sal/Wage-Perm Position, Unifund Account #101000.10.161.51100.0000.00.000.00.051 to fund wage and COLA increases.
  18. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-54) \$1,400.00 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Licensing Board, Sal/Wage-Perm Position, Unifund Account #101000.10.165.51250.0000.00.000.00.051 to fund COLA increases.
  19. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-55) \$8,000.00 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Community Development, Sal/Wage-Perm Position, Unifund Account #101000.10.181.51100.0000.00.000.00.051 to fund wage and COLA increases.
  20. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-56) \$10,866.30 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Police Admin, Sal/Wage-Perm Position, Unifund Account #101000.10.210.51100.0000.00.000.00.051 to fund Police Chief's retirement payout of wages.
  21. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-57) \$694.52 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Police Admin, Sal/Wage-Longevity, Unifund Account #101000.10.210.51400.0000.00.000.00.051 to fund Police Chief's retirement payout of pro-rata longevity.
  22. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-58) \$411.06 from Treas/Collector, Debt, Interest (Long-term), Unifund Account

- #101000.10.145.59150.0000.00.000.00.059 to Police Admin, Sal/Wage-Career Incentive Pay, Unifund Account #101000.10.210.51950.0000.00.000.00.051 to fund Police Chief's retirement payout of pro-rata career incentive pay.**
- 23. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-59) \$314.53 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Police Parking, Sal/Wage-Perm Position, Unifund Account #101000.10.218.51100.0000.00.000.00.051 to fund COLA increases.**
  - 24. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-60) \$498.87 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Police Parking, Sal/Wage-PT Positions, Unifund Account #101000.10.218.51250.0000.00.000.00.051 to fund COLA increases.**
  - 25. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-61) \$144,106.43 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to Fire Department, Sal/Wage-Perm Positions, Unifund Account #101000.10.220.51100.0000.00.000.00.051 to fund wage and COLA increases.**
  - 26. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-62) \$10,785.80 from Treas/Collector, Debt, Interest (Long-term), Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW Facilities, Sal/Wage-Temp Positions, Unifund Account #101000.10.472.51200.0000.00.000.00.051 to fund deficit and provide additional funding for additional work.**
  - 27. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-63) \$52,059.25 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Fire Department, Sal/Wage-Overtime, Unifund Account #101000.10.220.51300.0000.00.000.00.051 to eliminate the overtime deficit in the Fire Department.**
  - 28. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-64) \$11,399.99 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Fire Dept., Sal/Wage-OT Callbacks and Holdovers, Unifund Account #101000.10.220.51317.0000.00.000.00.051 to eliminate deficit.**
  - 29. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-65) \$13,697.16 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Fire Dept., Sal/Wage-Holiday Pay, Unifund Account #101000.10.220.51450.0000.00.000.00.051 to fund COLA adjustment.**
  - 30. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-66) \$6,643.11 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Inspectional Services, Sal/Wage-Perm Position, Unifund Account #101000.10.241.51100.0000.00.000.00.051 to fund wage and COLA increases.**
  - 31. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-67) \$482.86 from Treas/Collector, Debt, Interest (Short-term), Unifund Account**

- #101000.10.145.59250.0000.00.000.00.059 to Inspectional Services, Sal/Wage-PT Position, Unifund Account #101000.10.241.51250.0000.00.000.00.051 to fund wage and COLA increases.**
- 32. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-68) \$875.48 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Shellfish Control, Sal/Wage-Perm Position, Unifund Account #101000.10.296.51100.0000.00.000.00.051 to fund COLA increases.**
  - 33. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-69) \$372.48 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059, to Shellfish Control, Sal/Wage-PT Position, Unifund Account #101000.10.296.51250.0000.00.000.00.051 to fund COLA increases.**
  - 34. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-70) \$931.81 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Solid Waste, Sal/Wage-Perm Position, Unifund Account #101000.10.403.51100.0000.00.000.00.051 to fund COLA increases.**
  - 35. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-71) \$1,207.59 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW Admin, Sal/Wage-Perm Position, Unifund Account #101000.10.421.51100.0000.00.000.00.051 to fund COLA increases.**
  - 36. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-72) \$1,000.00 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Facilities Salaries/Wages - Full Time, Unifund Account #101000.10.472.51100.0000.00.000.00.051 to increase available funds.**
  - 37. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-73) \$10,085.22 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW Facilities, Sal/Wage-OT, Unifund Account #101000.10.472.51300.0000.00.000.00.051 to fund COLA increases and to increase available funds.**
  - 38. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-74) \$5,592.28 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW Facilities, Longevity, Unifund Account #101000.10.472.51400.0000.00.000.00.051 to eliminate deficit in account, underfunded due to keeping staffing and retirements.**
  - 39. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-75) \$7,000.00 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW Facilities, Night Differential, Unifund Account #101000.10.472.51430.0000.00.000.00.051 to eliminate deficit in account and to fund an additional \$1,000.00.**
  - 40. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-76) \$3,278.66 from Treas/Collector, Debt, Interest (Short-term), Unifund Account**

- #101000.10.145.59250.0000.00.000.00.059 to DPW Facilities, Workers Comp, Unifund Account  
#101000.10.472.51570.0000.00.000.00.051 to eliminate deficit in account.**
- 41. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-77) \$1,108.15 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Council On Aging, Sal/Wage-Perm Position, Unifund Account #101000.10.541.51100.0000.00.000.00.051 to fund COLA.**
- 42. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-78) \$1,720.91 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veterans' Services, Sal/Wage-Perm Position, Unifund Account #101000.10.543.51100.0000.00.000.00.051 to fund COLA.**
- 43. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-79) \$2,998.70 from Treas/Collector, Debt, Interest (Short-term), Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Tourism, Sal/Wage-Temp Position, Unifund Account #101000.10.563.51200.0000.00.000.00.051 to fund deficit in account.**
- 44. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-80) \$4,701.52 from Treas/Collector-Self Insurance Auto, Unifund Account #101000.10.145.57430.0000.00.000.00.057 to DPW, Other-Sal/Wages-Perm Position, Unifund Account #101000.10.499.51100.0000.00.000.00.051 to fund COLA.**
- (NOTE: 2012-SBT-81 has been changed to 2012-SA-14; therefore, 2012-SBT-81 is retired.)
- 45. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-82) \$35,240.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Fire Department, Sal/Wage Overtime, Unifund Account #101000.10.220.51300.0000.00.000.00.051 to fund the overtime account in the Fire Department through June 30, 2012.**
- 46. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-83) \$8,000.00 from Assessments, Vocational School Assessment, Unifund Account #101000.10.942.56200.0000.00.000.00.056 to DPW Facilities, Sal/Wages-Temp Position, Unifund Account #101000.10.472.51200.0000.00.000.00.051 to provide additional funding for temporary help in the month June 2012.**
- 47. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-84) \$4,648.00 from Assessments, Vocational School Assessment, Unifund Account #101000.10.942.56200.0000.00.000.00.056 to DPW Facilities, Contract Services, Unifund Account #s101000.10.472.52000.0000.00.000.00.052 to provide additional funding for contract service help in the month of June 2012.**
- 48. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-85) \$4,352.00 from Pensions, Non-Contrib Pensions, Unifund Account #101000.10.911.51870.0000.00.000.00.051 to DPW Facilities, Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to provide additional funding for contract service help in the month of June 2012.**

49. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-86) \$3,148.00 from Pensions, Non-Contrib Pensions, Unifund Account #101000.10.911.51870.0000.00.000.00.051 to DPW Facilities, General Supplies, Unifund Account #101000.10.472.54000.0000.00.000.00.054 to provide additional funding for supplies.
50. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-87) \$4,852.00 from Treas/Collector, Wages-Perm Position, Unifund Account #101000.10.145.51100.0000.00.000.00.051 to DPW Facilities, General Supplies, Unifund Account #101000.10.472.54000.0000.00.000.00.054 to provide additional funding for supplies.
51. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted in favor, opposed to recommend to the City Council to transfer (#2012-SBT-88) \$10,000.00 from Solid Waste Rubbish Disposal, Unifund Account #101000.10.403.53960.0000.00.000.00.052 to Central Street Lights, Unifund Account #101000.10.499.52130.0000.00.000.00.052 due to budget for street lights slightly lower than invoices for FY12.
52. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-89) \$6,000.00 from Solid Waste Rubbish Disposal, Unifund Account #101000.10.403.53960.0000.00.000.00.052 to Central Gasoline, Unifund Account #101000.10.499.54110.0000.00.000.00.054 as budget for gasoline slightly lower than necessary.
53. On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-90) \$1,500.00 from Treasurer/Collector, Wages Perm Positions, Unifund Account #101000.10.145.51100.0000.00.000.00.051 to Police Parking, Salary & Wages Perm Position, Unifund Account #101000.10.218.51100.0000.00.000.00.051 to cover any potential deficit in the salaries and overtime account.
54. On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-91) \$35.00 from Treasurer/Collector, Wages Perm Positions, Unifund Account #101000.10.145.51100.0000.00.000.00.051 to Shellfish Control, Salary and Wages Perm Position, Unifund Account #101000.10.296.51100.0000.00.000.00.051 to cover any potential deficit in the salaries account.

**END OF B&F CONSENT AGENDAS**

**Ordinances & Administration: June 18, 2012**

No matters came forward from this meeting for Council action.

**Planning & Development: June 20, 2012**

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the P&D Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit Reid's Ride 8<sup>th</sup> Annual Bike-A-Thon on Sunday, July 15, 2012 to hold their fundraising motorcycle ride which starts in Lynnfield, MA and ends in Gloucester at Stage Fort Park with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before July 6, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the Reid's Ride on July 15, 2012 to be on file with the City Clerks office on or before July 6, 2012. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before July 6, 2012. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 8:30 PM, July 15, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to function halls, motels and hotels, and other businesses along the bike route.

7. Responsibility of the Reid's Ride organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Reid's Ride organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

**DISCUSSION:**

**Councilor Verga** clarified for the Council that they are in receipt of the appropriate documentation from Police, Fire and a Certificate of Insurance.

**MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent to permit Reid's Ride 8<sup>th</sup> Annual Bike-A-Thon on Sunday, July 15, 2012 to hold their fundraising motorcycle ride which starts in Lynnfield, MA and ends in Gloucester at Stage Fort Park with the following conditions:**

**1. Certificate of Insurance:**

**A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before July 6, 2012.**

**2. Road Closure Plans:**

**Memoranda from the Police Department and Fire Department giving approval of the plans for the Reid's Ride on July 15, 2012 to be on file with the City Clerks office on or before July 6, 2012. Roads to be closed**

are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before July 6, 2012. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

**3. Refuse and Comfort Stations:**

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 8:30 PM, July 15, 2012.

**4. Emergency Services:**

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

**5. Staffing:**

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

**6. Notification of Immediate Abutters and Businesses to Race Course:**

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to function halls, motels and hotels, and other businesses along the bike route.

**7. Responsibility of the Reid's Ride organization:**

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Reid's Ride organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

**Council President Hardy** mentioned that the Council referred at the end of May a Group Free Petition under City Charter Sec. 99-1(b) re: Commercial Street HOD to the P&D Committee which forces a public hearing on that rezoning issue. P&D took no action on it other than to send it back to the Council so that the Council could vote to advertise for public hearing under the City Charter.

**MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent to ADVERTISE FOR PUBLIC HEARING on the Group Free Petition under City Charter Sec. 99-1(b) re: Commercial Street HOD.**

**Scheduled Public Hearings:**

- 1. PH2012-033; SCP2012-006: Pleasant Street #14, GZO Sec. 3.1.6 building height over 35 feet and Sec. 3.2.2(a) decrease in the minimum lot area and open space per dwelling unit (sf) (Cont'd from 05/22/12)**

**Linda T. Lowe**, City Clerk announced that the Council has received a communication from the applicant and property owner of Pleasant Street #14, Attorney Catherine Schlichte, who has decided to withdraw this application. Should it be found necessary, a new application will be filed at a later date.

**MOTION: On motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent to permit the withdrawal of the application for SCP2012-006: Pleasant Street #14, GZO Sec. 3.1.6 building height over 35 feet and Sec. 3.2.2(a) decrease in the minimum lot area and open space per dwelling unit (sf).**

**This matter is closed.**

**2. PH2012-034: Rezoning #2012-003: Atlantic Road #107 and #125, Amend GZO to create a new Existing Hotel Overlay District (EHOD)**

**This public hearing is opened.**

**Ms. Lowe** explained this matter is still under Planning Board and the Planning & Development Committee's consideration and not yet ready to move forward to public hearing. A letter to the Council from the applicant's attorney was received consenting to a continuance of the public hearing to August 14, 2012.

**This public hearing is continued to August 14, 2012.**

**3. PH2012-039: Amend GCO, Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING "Farrington Avenue, southerly side from its intersection with Eastern Point Boulevard to its intersection With St. Louis Avenue from May 1 to September 15 during the hours of 6:00 a.m. to 5:00 p.m."**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions from Councilors: None.**

**Councilor McGeary** stated this was his order which was reviewed by the Traffic Commission at their May 31<sup>st</sup> meeting and endorsed unanimously by them calling for approximately 20 additional spaces on the southerly side of Farrington Avenue from between the entrance to Eastern Point and the intersection with St. Louis Avenue next to St. Anthony's Chapel. This restricts those spaces to resident sticker parking only, not just beach stickers – any resident sticker would work. It was called to his attention that Niles Beach has been "discovered" and that if residents don't arrive very early in the morning, they're unable to park. As a result the limited parking at the beach is at a premium. This ordinance amendment would still allow out of town folks to use the Niles Beach, but it would reserve the spaces closer to the beach for people with Gloucester resident parking stickers. **Councilor Verga** confirmed that all that would be needed is a resident sticker. These parking spaces would not require a City beach sticker but that sticker would also be valid as well. **Councilor Ciolino** asked that the Council receive a report from the Traffic Commission six months hence to learn how well this new parking arrangement worked out.

**This public hearing is closed.**

**MOTION:** On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING: "Farrington Avenue, southerly side from its intersection with Eastern Point Boulevard to its intersection with St. Louis Avenue from May 1 to September 15 during the hours of 6:00 a.m. to 5:00 p.m."

**DISCUSSION: None.**

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING: "Farrington Avenue, southerly side from its intersection with Eastern Point Boulevard to its intersection with St. Louis Avenue from May 1 to September 15 during the hours of 6:00 a.m. to 5:00 p.m."

**For Council Vote:**

- 1. Motion to amend Resolution relating to Reorganization of Auditor's Department previously adopted at the June 12, 2012 meeting by adding the words, "effective July 1, 2012"**

**Councilor McGeary** explained that this was an oversight regarding the final language for the vote on the reorganization of the City Auditor's office by the Council on the motions put forward at the close of the public hearing held on June 12, 2012. It was intended that the reorganization with its attendant changes and pay scale changes should be effective July 1, 2012.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent to amend the Resolution relating to the Reorganization of the City Auditor's Department previously adopted at the City Council Meeting of June 12, 2012 by adding to that motion language the words, "effective July 1, 2012" following the words "in accordance with the City Charter Sec. 7-1."**

**Council President Hardy** requested that a copy of this Certificate of Vote is to be forwarded to the Personnel Department and Payroll immediately.

**Unfinished Business: None.**

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.**

**Councilors' Requests to the Mayor:**

**Councilor Whynott** noted Mr. Parsons in the audience. Every year they have someone from the vocational school to speak on where City funds paid to the school are utilized. That hasn't happened in quite a while and wished to arrange that. **Council President Hardy** noted School Committee member Melissa Teixeira had spoken to her about this as well. She would invite her and a representative from the North Shore Vocational School to address the Council at a meeting this summer.

**Councilor Verga** expressed his concern regarding the audibility of remote participation at the Special City Council meeting of June 19<sup>th</sup>, and at this Council meeting as well. He asked that remote participation be put on hold until rules for the procedure and appropriate technology are in place before allowing a Councilor to participate in a Council meeting again in this manner.

**Councilor Cox** noted Sunday July 13<sup>th</sup> is the 8<sup>th</sup> annual Reid's Ride. Applications available throughout the City. The 28-mile motorcycle ride ends at Stage Fort Park. She also reminded everyone that the Horribles Parade is Tuesday, July 3<sup>rd</sup> starting at 6 p.m. leaving from the High School parking lot and march along the same route as always. The Councilor also commented that there have been many complaints about speeding on local roads recently. She reminded everyone that school is out for the summer; and there is greater pedestrian traffic. She described a situation she personally was involved in that was made dangerous by an erratic driver. It could have ended badly with injury or death. She urged that people leave extra time to get to their destination and to slow down.

**Councilor McGeary** wished everyone a Buona Fiesta.

**Councilor Ciolino** stated the Council has funded the purchase of flag poles to replace those currently at the Vietnam Memorial located at Gloucester High School. The Councilor reported he has been working with Mark Nestor and Vietnam vets who have agreed to the height of the poles, which are now ordered. The tallest pole will be around 28 feet. Bruce Horne, of Gorton's Inc. has volunteered one of their trucks that come into Gorton's to pick up and transport the poles from Connecticut. In true Gloucester style, they'll arrive atop a load of fish for Gorton's to process. The Mayor has promised the DPW will install the poles. Also, the Purple Heart Highway naming will hopefully be completed this summer.

**Councilor Theken** expressed her welcome again to the new Fire Chief. She wished a Buona Fiesta and a Happy 4<sup>th</sup> of July. For those residents who are retiring shortly or got a retirement package, even though a spouse is working who may be 65, and you are under their health care plan, you still have to join Medicare. If not, they will be penalized. If a spouse or partner is not actively working they have to be on Medicare. Before retirement, Councilor Theken urged they make an appointment to meet with her at her office at the Addison Gilbert Hospital to discuss this matter.

**Councilor McGeary** stated since the search for the new Police Chief is on-going; he asked that the Council Order Council President Hardy would be submitting for a revisit of the ordinances to be expedited upon referral to the O&A Committee at the next City Council meeting.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:32 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**